

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES**  
**APRIL 1, 2104**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:48pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Phil Sutherland, and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**52 Beacon Street**

**Present in Interest: Greg Landry**

*Staff Recommendation: Approve as Pos.2b, Neg.3 and Neg.6*

Public Hearing on a Request for Determination of Applicability filed by the Greg Landry and Sara Silva under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of an addition and garage at **52 Beacon Street**.

Agent Cleary presented this to the Commission. The filing is under the WPA only and is considered a backyard project. The Applicant is requesting waivers for omission of the tree line, fence line and use of Town Wetland Map. The proposed work is the construction of a family room, outdoor shower and garage, all of which will be 50 feet away from the BVW. No trees are to be removed during this project. The Applicant agrees to legally dispose of any debris that has been thrown over the fence line into the BVW.

Vice Chairman Walsh made a Motion to approve the waiver requests; it was seconded by Commissioner Driscoll and unanimously approved.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to approve as Pos.2b, Neg.3 and Neg.6; it was seconded by Vice Chairman Walsh and unanimously approved.

## **12 Tiffany Lane**

**Present in Interest: Bernie Paquin and James Cavanaugh**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed by **James Cavanaugh and Lynette Cavanaugh** under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an addition at **12 Tiffany Lane**.

Agent Cleary presented this to the Commission. The filing is under the WPA only can be considered a backyard project. The Application is complete, but the alternatives analysis under the Riverfront is still missing and the Applicant will have to rebut presumptions of significance. The perennial stream is tributary to Fish Brook and the site has been historically disturbed by development in the 1970s. Flagging changes by staff have been reflected on the revised plan. The Applicant is unable to meet our setback requirements and setback requirements of the WPOD due to the age of construction of the home, 50 foot no disturb and 75 foot no build. Staff recommends the Applicant provide mitigation in the form of plantings to enhance the Riverfront Area. A convincing argument must be made as to why this project will not affect the Town's Drinking Supply System. The Applicant is currently trying to be released from the 2012 FEMA Zone A. We will need to advise the ZBA as to how this will affect the project.

Bernie Paquin presented the project to the Commission. The majority of the house and yard are within the 100 foot Riverfront area. The characteristics of the yard are not changing, the water will continue to drain into the side yard. The Applicant has also agreed to install wetland markers and additional wetland vegetation. The changes to the existing setbacks are minor and are being mitigated by the roof runoff being infiltrated and the staff recommended 1:1 plantings for mitigation. The area is already disturbed so this addition will not affect the drinking supply. Commissioner Porter inquired as to the amount of pavement proposed for the new garage. He stated that the lot has been previously disturbed, however that does not mean you can create more disturbance.

Commissioner Driscoll expressed her concern about further disturbing the lot.

Chairman Cooper asked the Commission to decide if the mitigation is enough to offset the disturbance proposed.

Chairman Cooper suggested a site visit. A site visit was scheduled for Saturday, April 12, 2014 at 11:30am.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to April 29, 2014; it was seconded by Commissioner Driscoll and unanimously approved.

**Town of Andover Conservation Commission Wetland Protection Regulations  
Building/Structure Setbacks for Solar Panels**

**Present in Interest: Tara Wilson and Anil Navkal**

*Staff Recommendation: Approve setback language for By-Law.*

Continued Public Hearing on the **Regulations Adopted by the Andover Conservation Commission Pursuant to the Town of Andover's General Bylaw for Wetland Protection, Section 4(3) Building/Structure Setbacks** under Article XIV, Andover Wetlands Protection By-Law, to enact the following change for the purpose of clarifying the setbacks of solar panels under Section 4(3) Building Structure Setbacks "Building Structure 7".

Mr. Douglas presented this to the Commission. Staff recommends the solar panels supported by columns with an open and vegetated area beneath them. Staff also recommended solar panels with Area "A" have a 30 foot setback; Area "B" (Watershed Protection) have a setback of 55 feet; and Area "C" (Vernal Pool) have a setback of 80 feet. Solar panels with gravel or paving or enclosed areas beneath them must meet the regular structure setbacks of 50 feet, 75 feet and 100 feet.

Chairman Cooper amended the wording to read as follows: "Solar panels with other than vegetated area beneath them or enclosed areas beneath them must meet the regular structure setbacks of 50 feet, 75 feet or 100 feet".

Additionally, Chairman Cooper added the following language, "Size, spacing and density of solar panels in the buffer zone will be regulated to protect the wetland interests hereunder".

Anil Navkal addressed the Commission stating the he would request lesser setback requirements as Solar Panels are helping create a greener environment.

Building/Structure 12. Solar Panels supported by columns with an open and vegetated area beneath them Area A 50 ft; Area B 55 ft; Area C 80 ft.

Building/Structure 13. Solar Panels with other than vegetated areas beneath them or enclosed areas beneath them must meet the regular structural setbacks of 50 ft, 75 ft or 100 ft.

Footnote: Size, spacing and density of solar panels in the buffer zone will be regulated to protect the wetland interests hereunder.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to adopt the language discussed and amended; it was seconded by Commissioner Driscoll and unanimously approved.

**CONSENT AGENDA:**

**Minutes**

Approval of minutes from March 18, 2104.

**85 Porter Road**

Issuance of a Satisfactory Completion of Work Certificate

**85 Porter Road**

Issuance of a Certificate of Compliance.

**2 Torr Street**

Issuance of a Certificate of Compliance.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Honea and unanimously approved.

**LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:****Overseer Nominations**

Commissioner Porter nominated Frank Maldari as an Overseer.

Commissioner Driscoll made a Motion ratify the Emergency Certification; it was seconded by Commissioner Porter and unanimously approved.

**Overseer Annual Meeting**

Commissioner Porter will combine the vetting of the land management plan with the overseer meeting. Will be scheduling the meeting for a Saturday, either May 3<sup>rd</sup> or May 17<sup>th</sup>.

**Forestry Land Management**

Commissioner Porter provided an update on the Forestry Land Management. We have a Forester working on the land management plan currently.

**2013 Deer Hunt**

Acceptance of 2013 Deer Report created by Robert Dalton.

Commissioner Porter made a Motion to accept the 2013 Deer Report; it was seconded by Commissioner Driscoll and unanimously approved.

**15 Stevens Street – Atria Marland Place****Present in Interest: Paul Finger**

Scheduling of formal site visit with peer reviewers and Paul Finger.

Site visit scheduled for Saturday, April 12, 2014 at 12:30pm with no further discussion.

**276 North Main Street**

Ratification of Emergency Certification for demolition of fire damaged building.

Commissioner Driscoll made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Sutherland and unanimously approved.

**Town Meeting Articles**

Endorsement of Town Warrant Article 55 (Open Space Management - \$25,000.00) and Town Warrant Article 56 (Transfer of Open Space Land Acquisition Bonding Appropriation - \$800,000.00).

Commissioner Driscoll made a Motion to endorse both Warrant Article 55 and 56; it was seconded by Commissioner Honea and unanimously approved.

**Fishbrook North at River Road and Chandler Road**

Approve Emergency Certification for beaver dam breach at Fishbrook North near River Road and Chandler Road.

Commissioner Porter made a Motion to approve the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

**The next meeting will be held April 15, 2014 at 7:45pm.**

**The meeting was adjourned at 9:21 pm by Motion of Commissioner Porter and seconded by Commissioner Honea and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**